

outcome, the interplay feature generating a payout based upon said game outcome of the animated event.

### **REMARKS**

Claims 1-11, 13-38, 40-55, 57, 59, 60 and 62-67 remain in the application for further prosecution. Claims 12, 39, 56, 58 and 61 have been cancelled. Claims 1, 28, 55, 57, 59, 60, 64, 66 and 67 have been amended. Submitted herewith is a clean set of pending claims. Also submitted herewith are clean changes to the Abstract and the Specification.

#### **Claim Rejections - 35 U.S.C. § 102**

Claims 1-4, 10-11, 13-19, 22-31, 37, 38, 40-46, 49-56, 59, 61-63 and 66 were rejected under 35 U.S.C. § 102 as being anticipated by Glasson (U.S. Patent No. 6,290,600).

The Examiner alleges that Glasson discloses the invention. The Applicant respectfully disagrees on the basis that significant claim features and limitations are missing from Glasson. Anticipation is established only when a single prior art reference discloses expressly, or under the principles of inherency, each and every element of a claimed invention.

The present invention can be distinguished from Glasson by the manner in which the bonus game progresses to its conclusion or game outcome. The present invention may display a sequence of special symbols on a symbol array randomly displayed by the gaming machine. These special symbols, when appropriately aligned, trigger a bonus sequence. The bonus sequence triggers interplay between the special symbols that portrays an action that determines a game outcome. Particularly significant is that the action selected to be portrayed is randomly selected from a plurality of actions that could be portrayed.

This is in contrast to Glasson, where the action depicted (a frog jumping from one lily pad to the next) never varies. As stated in claim 1 of the Glasson reference, “*display the feature*

*symbol at a first position and move the feature symbol from the first position to at least one or more positions on the display associated with any displayed landing symbols.”* (column 8, lines 5-8).

Glasson describes a game where the action never changes, because there is only one action. As a result, in the Glasson game, the player always knows exactly the action that is going to result between the two symbols, *i.e.*, the feature symbol moves to the landing symbol. This action never varies.

In contrast, in the claimed invention, there are a number of actions that potentially could result from the trigger of the bonus sequence. For example, in a baseball game theme, a pitcher could throw a ball to the batter and the batter could strike out, hit a home run, foul the ball, get hit by a wild pitch, etc. All of these outcomes are potential game outcomes that the gaming machine can randomly select. As a result, the player never knows what to expect, increasing the anticipation produced by the game and making it more exciting and entertaining to play. In particular, the game outcome could be very favorable, such as hitting a home run, or very unfavorable, such as striking out. This is an important and non-obvious feature as it offers a diversity of potential game outcomes that are unknown to the player until the action is played out. Glasson does not have this feature of randomly selecting an action from a plurality of possible actions.

To further overcome this rejection, all independent claims have been amended to emphasize that the action portrayed and used to determine game outcome is randomly selected from a plurality of possible actions. For example, see the following.

***“to portray one of a plurality of randomly selectable actions therebetween that determines a game outcome, said interplay feature generating a payout based upon said game outcome”*** (amended claim 1 presented herewith)

***“to portray one of a plurality of randomly selectable actions therebetween that determines a game outcome; and generating a payout based upon said game outcome”*** (amended claim 28 presented herewith)

***“to portray an action randomly selected from a plurality of selectable actions, the portrayed action determining a game outcome, said interplay feature generating a payout based upon said game outcome”*** (amended claim 55 presented herewith)

***“to portray different actions that determine a game outcome, said actions being randomly selected from a plurality of selectable actions, said interplay feature generating a payout based upon said game outcome”*** (amended claim 57 presented herewith)

***“to portray an action that determines a game outcome, the action being randomly selected from a plurality of selectable actions that require an input from a player, said interplay feature generating a payout based upon said game outcome”*** (amended claim 59 presented herewith)

***“to portray an action that determines a game outcome determined at least in part by a proximity of the special symbols in the symbol array, the action being randomly selected from a plurality of selectable actions, said interplay feature generating a payout based upon said game outcome”*** (amended claim 60 presented herewith)

***“to portray an action that determines a game outcome, said action randomly selected from a plurality of actions to simulate a sports event, said interplay feature generating a payout based upon said game outcome”*** (amended claim 64 presented herewith)

***“to portray one of a plurality of randomly selectable actions therebetween that determines a game outcome, wherein at least one of the reels stops rotating after the processor initiates the interplay feature to determine the game outcome, said interplay feature generating a payout based on said game outcome”*** (amended claim 66 presented herewith)

***“to portray one of a plurality of randomly selectable actions therebetween that determines a game outcome, the interplay feature generating a payout based upon said game outcome of the animated event”*** (amended claim 67 presented herewith)

The Applicant maintains that randomly selecting an action from a plurality of actions that determines a game outcome is a novel and non-obvious feature over Glasson.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 5-9, 20, 21, 32-36, 47, 48, 64 and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Glasson in view of Roffman (U.S. Patent No. 6,375, 568).

One of the basic requirements for a prima facie case of obviousness is that the prior art references must teach or suggest all of the claim limitations. Glasson and Roffman do not, however, teach or suggest all of the claim limitations of the claimed invention.

#### **Not All Claim Limitations Taught Or Suggested**

The Examiner alleges that it would have been obvious to modify Glasson in view of Roffman to incorporate the interplay feature of the present invention. The Examiner states, “. . . *it would have been obvious . . . to modify Glasson to include a basic game having one or more theme, each special symbol relates to at least one of the themes, the number of reels depending on the theme of the game, the array are arranged in t (sic) visual associate with one or more pay lines including a thematic pay line, and the interplay feature simulates sports as taught by Roffman*” (Office Action dated 11/4/02, page 5). The Applicant respectfully disagrees on the basis that claim features and limitations are missing from both Glasson and Roffman.

The Applicant respectfully points out that Roffman does not teach, nor suggest, an “interplay feature” as is claimed in the present invention. The interplay feature includes a “*special symbol interacting graphically with one or more of the other symbols in the array to portray one of a plurality of randomly selectable actions therebetween that determines a game outcome, said interplay feature generating a payout based upon said game outcome*” (see amended claim 1 in this reply).

In contrast, Roffman has a symbol array 51 for the wagering game and a separate visual display 57 of a theme game such as a sporting event (see Roffman, FIG. 3). These two games as

disclosed by Roffman are separate games, the wagering game only influencing the outcome of the theme game. Interactive is being used in the sense that the wagering game influences the outcome of the theme game. As Roffman states, “[a]n *interactive gaming system . . . each gaming machine having a wagering game and a theme game . . . wherein the results of the wagering game influence the results of the theme game . . .*” (column 22, lines 13-21).

In contrast, the claimed invention uses the term interacting in the sense that the symbols on the array portray an action, the portrayed action determining a game outcome. Roffman is silent with respect to an interacting symbol array that determines a game outcome on which a bonus award is paid.

Nor does Glasson teach an interplay feature as discussed above. Glasson is silent with respect to having a plurality of selectable actions that can be randomly selected and portrayed as a game outcome. As noted above, Glasson has only one action, “*to display the feature symbol at a first position and move the feature symbol from the first position to at least one or more positions on the display associated with any displayed landing symbols*” (column 8, lines 5-8). In contrast, the claimed invention portrays a randomly selected action from a plurality of possible actions, the selected action portrayed determining the game outcome.

Consequently, neither Glasson nor Roffman disclose the interplay feature of the claimed invention.

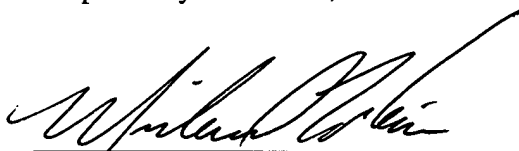
## **Conclusion**

The Applicant believes the claims are in condition for allowance, and action towards that end is earnestly solicited.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicant's undersigned attorney at the number indicated.

Respectfully submitted,

Date: January 16, 2003

A handwritten signature in dark ink, appearing to read "Michael L. White", is written over a horizontal line.

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